

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

Litchfield Financial Corporation, Textron
Financial Corporation, Land Finance
Company,

04-CV-30076-KPN

Plaintiffs,

v.

Buyers Source Real Estate Group, Buyers
Source Valley Group, LLC, Buyers Source
Sugarmill, LLC, Buyers Source, Savannah
Lakes, LLC, Thomas H. Brewer, Frederick D.
Blake, Betty M. Brewer, Susan Gard, Henry
Montgomery, Lannie Campbell, Ronald P.
Ferguson, Stephen A. Hudgins, Esquire,
Stephen A. Hudgins, PC, Hudgins &
Stallings, PC, J. Vance Stallings, Esquire,
John C. Lumpkin, Esquire, John C. Lumpkin,
PC, William Gregory Seigler, Esquire
Defendants.

**DEFENDANT WILLIAM GREGORY SEIGLER'S MOTION FOR LEAVE TO FILE AN
AMENDMENT TO FACTS AND A LIMITED REPLY TO
PLAINTIFFS' OPPOSITION TO HIS MOTION TO DISMISS – ASSENTED TO**

The defendant, William Gregory Seigler, respectfully moves this Court, pursuant to Local Rule 7.1(B)(3), for leave to file an Amendment to Facts and a Limited Reply to Plaintiffs' Opposition to Defendant William Gregory Seigler's Motion to Dismiss ("Amendment to Facts and Limited Reply"). Defendant's counsel has conferred with plaintiffs' counsel, and plaintiffs' counsel assents to the filing of this Motion and to defendant filing an Amendment to Facts and Limited Reply.

In further support of this Motion, the defendant states as follows:

1. This action arises out of the financing of real estate located in South Carolina, Ohio and Florida, and the alleged failure on the part of Buyers Source Sugarmill, LLC, Buyers Source, Savannah Lakes, LLC and Buyers Source Valley Group, LLC to comply with various provisions of the Interstate Land Sales Act.
2. Mr. Seigler, an attorney licensed to practice law in the State of South Carolina and a defendant in the present action, filed Defendant William Gregory Seigler's Motion to Dismiss or in the Alternative to Stay ("Motion to Dismiss") on August 17, 2004 arguing the lack of personal jurisdiction and the pendency of a prior state court action. Plaintiffs have filed their Opposition to Defendant William Gregory Seigler's Motion to Dismiss ("Plaintiffs' Opposition").
3. Counsel for the defendant have since been able to determine that the statement, at page 6 of the Motion to Dismiss, that Mr. Seigler never sent correspondence to Massachusetts, was incorrect.
4. In his proposed Amendment to Facts and Limited Reply, a copy of which is attached hereto as Exhibit 1, Mr. Seigler seeks to amend his Motion to Dismiss to delete the incorrect sentence and to accurately reflect that correspondence was sent to Massachusetts. Defendant also wishes to reply *in a limited way* to plaintiffs' argument in their Opposition that the mailing, by an out-of-state lawyer,

of correspondence to Massachusetts, would be relevant to the issues before the court. It is defendant's position that the mailing of letters to Massachusetts should not, in any way, impact this court's determination of the personal jurisdiction question, as is more fully laid out in defendant's Motion to Dismiss and in the Limited Reply incorporated herein by reference.

WHEREFORE, defendant, William Gregory Seigler, respectfully moves this Court, pursuant to Local Rule 7.1(B)(3), for leave to file the attached Amendment to Facts and Limited Reply to Plaintiffs' Opposition to Defendant William Gregory Seigler's Motion to Dismiss.

ASSENTED TO:

Plaintiffs,
Litchfield Financial Company
Textron Financial Corporation and
Land Finance Company,
By their attorney,

Jeffrey L. McCormick

Jeffrey L. McCormick, BBO #329740
Robinson Donovan, P.C.
1500 Main Street, Suite 1600
Springfield, MA 01115
Telephone: (413) 732-2301
Fax: (413) 785-4658

Defendant,
William Gregory Seigler,
By his attorneys,

W. Seigler

Peter M. Durney, BBO #139260
David W. McGough, BBO #553069
CORNELL & GOLLUB
75 Federal Street
Boston, MA 02110
Telephone: (617) 482-8100

Samuel W. Outten (SC Bar # 4295) *Pro Hac Vice*

WOMBLE CARLYLE SANDRIDGE &
RICE

A Professional Limited Liability Company
Post Office Box 10208
Greenville, SC 29603-0208
Telephone: (864) 255-5421
Fax: (864) 239-5852

CERTIFICATE OF SERVICE

I, David W. McGough, attorney for the defendant, William Gregory Seigler, hereby certify that on this 27th day of September, 2004, a true copy of the foregoing Defendant William Gregory Seigler's Motion for Leave to File an Amendment to Facts and a Limited Reply to Plaintiffs' Opposition to his Motion to Dismiss, Assented to, was served via:

hand delivery, directed to:

Jeffrey L. McCormick, Esq.
Robinson Donovan, P.C.
1500 Main Street, Suite 1600
Springfield, MA 01115

first class mail, postage prepaid, directed to :

George R. Moore, Esq.
Devine, Millimet & Branch, PA
300 Brickstone Square, 9th Floor
P.O. Box 39
Andover, MA 01810

Ronald P. Ferguson
6395 Lake View Drive
Falls Church, VA 22041

Henry Montgomery
396 Baldwin Drive
Howard, OH 43028-8044

Thomas H. Brewer
113 Northgate Lane
Suffolk, VA 23434

James Edward Anklam, Esq.
Paul, Hastings, Janofsky & Walker, LLP
1299 Pennsylvania Avenue, NW
10th Floor
Washington, DC 20004

Lannie L. Campbell
One Harbor Court, #3D
Portsmouth, VA 23704

Betty M. Brewer
113 Northgate Lane
Suffolk, VA 23434

Frederick D. Blake
705 Mobjack Place
Newport News, VA 23606

Christopher F. Dugan, Esq.
Paul, Hastings, Janofsky & Walker, LLP
1299 Pennsylvania Avenue, NW
10th Floor
Washington, DC 20004



David W. McGough